

December 27, 2013

2013 12 27 3:32

Department of State  
Bureau of Elections  
Richard H. Austin Building, 1<sup>st</sup> Floor  
430 West Allegan Street  
Lansing, Michigan 48918

Attn: Lori A. Bourbonais

RE: Campaign Finance Complaint (filed December 6, 2013)  
Dr. Michael Church

This letter is a response to the complaint filed by Dr. Michael Church regarding the campaign flyer that was distributed during the last two weeks of the campaign.

Distribution of the flyer without the appropriate attribution (Paid for by the Committee to Elect Kurt Metzger, 31 Elm Park Blvd., Pleasant Ridge, MI 48069) was an honest error and oversight. I believe the purpose of this law is to assure that outside parties don't enter a campaign pro or con on a candidate or item; and to assure that candidates don't try to bypass the contribution limits. Neither of those circumstances has occurred here. In an unfortunate rush to get a last campaign piece out to each voter prior to the election in the last two weeks, I simply did not pick up the missing phrase in my review of the flyer prior to approving the flyer for printing.

The source of the payment for the flyer is clearly myself to be reimbursed by my campaign.

- The designer volunteered their time and skills at no cost to the campaign; however, the in-kind invoice (attached) was not received until after 11/25 post-election reporting period, so it will appear on my end of year annual report.
- To speed the printing, so the volunteers could distribute before the election, I supplied my personal American Express Card to the printer, Klever Design and Printing, and a charge of \$143.10 (invoice enclosed) appeared on my account on November 20, 2013 (statement enclosed). The invoice was not processed for reimbursement until after 11/25 so it will appear on my end of year annual report.

As the candidate, I have no contribution limit and therefore payment for the invoice by me (to be reimbursed) to facilitate prompt delivery does not violate any contribution limit in place. Additionally, there was no lack of funding available to pay for the flyer, as my campaign account as of today has \$1,167 in available funds.

In summary, I admit that the flyer in question did not contain the attribution of "Paid for by the Committee to Elect Kurt Metzger, 31 Elm Park Blvd., Pleasant Ridge, MI 48069." This was simply an oversight by the "Postcard" designers and by me and volunteers in not catching it as I knew it should be there. This flyer was delivered and assembled by volunteers with mailing

pieces for both Bret Scott and Jay Foreman. They were all printed by the same printer and delivered at the same time, and Bret Scott's and Jay Foreman's flyers did contain the required phrase. This was obviously an honest mistake, and I hope that you will see there was nothing sinister or intentionally malicious about it, and that it was not done to circumvent any campaign finance laws. The flyer was positive and truthful in nature and did not in any way attack my competitor for office.

I am also including samples of the other materials used during the campaign to show that all materials, prior to the one in question, did indeed follow campaign guidelines. Included is a picture of my lawn sign, an initial "get to know the candidate" flyer and a business card.

My campaign committee has been diligent in filing all reports accurately and on time. There have been no unreported campaign donations or expenses. I trust that you will see this breach as an honest mistake/oversight and will close the case as such. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Metzger", with a stylized flourish extending from the end.

Kurt R. Metzger  
Mayor, Pleasant Ridge, MI  
28 Sylvan Ave.  
Pleasant Ridge, MI 48069



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

LETTER RECEIVED  
12/24/2013

December 18, 2013

The Honorable Kurt Metzger  
28 Sylvan Avenue  
Pleasant Ridge, Michigan 48069

Dear Mayor Metzger:

The Department of State (Department) received a formal complaint filed against you by Dr. Michael Church, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign-related material. A copy of the complaint and supporting documentation is provided as an enclosure with this letter.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(5).

In support of his complaint, Dr. Church provided a campaign card which states "Vote for Kurt Metzger on November 5<sup>th</sup>!" It appears that there is no paid-for-by statement on the card.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

**If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter.** Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your reply will be provided to Dr. Church, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]" MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 47(5) of the Act.

Klever Design & Printing  
206 E. GRAND RIVER AVENUE, SUITE 506  
DETROIT, MI 48226  
P. 313.965.9494 F. 313.965.9495

# Invoice

Date	Invoice No.
11/11/13	125719

Bill To:
Kurt Metzger

Ship To
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P.O. Number	Terms	Rep	Ship Date	Ship Via	FOB	Project
			11/11/13			

Item	Description	Quantity	Price Each	Amount
Special	4x6 printed 4/4, 14PT C2S	1,200	0.1125	135.00
	Sales Tax		6.00%	8.10
			Total	\$143.10

INVOICE FOR REFERENCED CAMPAIGN LITERATURE.  
INVOICE PAID FOR BY COMMITTEE TO ELECT



The Hilton HHonors Card from American Express



p. 3/10

KURT R METZGER  
Closing Date 11/20/13

Account Ending [REDACTED]

Payments and Credits

Summary

Total

10/30/13 KLEVER LLC KLEVER LLDetroit MI  
MISC/SPECIALTY RETAIL

\$143.10

PROOF OF PAYMENT

**Kyle Raetz Illustration**  
**522 Ash**  
**Mason, MI 48853**  
**248-818-0243**

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Client: Kurt Metzger for Mayor  
Project: Postcard  
Designer: Kyle Raetz  
Job Title: Get Out the Vote  
Invoice #: R0774  
Date: December 12, 2013

Invoice

Description: Design

The following cost is for an In-Kind statement for a postcard design for Kurt Metzger's get out the vote effort.

In-Kind Total: \$ 200.00

**Please Make Checks Payable to:**  
**Kyle Raetz Illustration**  
**522 Ash**  
**Mason, MI 48853**  
**248-818-0243**

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*CAMPAGNE SIGN*

Vote  
Nov. 5th

Kurt  
Metzger

MAYOR • PLEASANT RIDGE

[VoteKurtMetzger.com](http://VoteKurtMetzger.com)

Paid for by the Committee to Elect Kurt Metzger, 31 Elm Park Blvd, Pleasant Ridge, MI 48069

Vote  
Nov. 5th

# Kurt Metzger

MAYOR • PLEASANT RIDGE

## IT'S TIME TO WORK TOGETHER!

### COUNT ON ME TO:

Preserve and enhance Pleasant Ridge's distinctive community character while planning for a secure future

Assume a leadership role in regional planning projects - Pleasant Ridge must be at EVERY table

Expand and improve communication to increase resident participation in city activities, events and meetings

Develop a Master Plan that strengthens our residential and recreational assets and promotes our business district

Implement a responsible multi-year budget that balances value with cost

Create a top-quality citywide maintenance program

Preserve the highest quality police, fire and emergency medical services

Ensure Pleasant Ridge's influence and input in the region are greater than its size

[VoteKurtMetzger.com](http://VoteKurtMetzger.com)



Vote  
Nov. 5th

# Kurt Metzger

MAYOR • PLEASANT RIDGE

## ABOUT KURT

26 year resident of Pleasant Ridge

Founder and Executive Director of Data Driven Detroit - a nonprofit think tank that promotes positive community development

Consultant to public officials in Oakland, Macomb and Wayne counties, and City of Detroit, on demographic and economic trends

Trusted authority for local, national and international press on demographic, housing and economic issues. Consultant to the *New York Times*, the *Economist* and *Time Magazine*

Advisor to philanthropic organizations including the Kresge, Skillman, Ford, and Kellogg foundations

Annual presenter to Leadership Detroit, Oakland and Macomb - programs that prepare professionals to develop solutions to our region's toughest challenges.

Board Member of the Michigan Suburbs Alliance, Trustee of the Detroit Symphony Orchestra, member of the Advisory Council to the Michigan League for Public Policy, and Lifetime Member of the Pleasant Ridge Foundation


Served on Affirmations' Multicultural Advisory Committee that developed a strategy for Board and Employee recruitment and fundraising

[VoteKurtMetzger.com](http://VoteKurtMetzger.com)



**Kurt  
Metzger**

- Leadership
- Communication
- Preservation



**IT'S TIME TO WORK TOGETHER**

Paid for by the Committee to Elect Kurt Metzger, 31 Elm Park Blvd, Pleasant Ridge, MI 48069

**Kurt  
Metzger**

**MAYOR • PLEASANT RIDGE**

[VoteKurtMetzger.com](http://VoteKurtMetzger.com)



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

January 31, 2014

The Honorable Kurt Metzger  
28 Sylvan Avenue  
Pleasant Ridge, Michigan 48069

Dear Mayor Metzger:

This letter concerns the complaint that was recently filed against you by Dr. Michael Church, which relates to a purport violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 60 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Dr. Church's complaint remains under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,

A handwritten signature in black ink that reads "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Michael Church

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State  
Richard H. Austin Building, 1<sup>st</sup> Floor  
430 W. Allegan  
Lansing, Michigan 48918

2014 JAN 27 10 3: 23  
BUREAU OF ELECTIONS

Date: January 22, 2014

RE: Rebuttal to Kurt Metzger's letter concerning MCFA violation

Dear Ms. Bourbonais:

This letter is a response to your letter (dated Jan 13<sup>th</sup>, postmarked Jan 15<sup>th</sup>, received Jan 17<sup>th</sup>) that invited me to make a rebuttal to Kurt Metzger's explanation for the violation of the Michigan Campaign Finance Act.

Mr. Metzger admitted to the violation of the MCFA as per my complaint. He offered some excuses for the violation. However, I found these excuses to be thin and insincere for the following reasons:

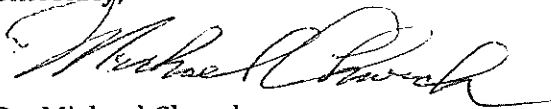
1. Ann Perry, Kurt Metzger's campaign manager, was courteously informed by Frank Rubino that the "Paid for..." information was missing on the flyers and was also told that such information needed to be there in accord with the MCFA. This information was given to her with ample time to correct the mistake and with minimum effort. She and Kurt Metzger could have printed new flyers (a cost of only ~\$200), or they could have printed a letter of correction on a home computer and distributed them (a cost of ~\$5 for two reams of paper), and/or posted the correction on the FaceBook page used by their campaign and/or the City of Pleasant Ridge. But instead of taking these simple corrective actions, Ann Perry (according to Mr. Rubino) said that she had looked into the matter and that there was no violation of the MCFA. I was not present to hear this conversation and have to rely on what Mr. Rubino has told me. However as documentation, I have attached Mr. Rubino's email to me in which he describes this story (see attachment). The bottom line is that the Metzger Campaign was informed about the MCFA violation with ample time to correct the violation at very little expense and effort. But instead of seizing the opportunity to make a simple correction, the Metzger campaign showed a continuing disregard for the law. Moreover, a representative of the Metzger Campaign seems to have fabricated a story that there was no violation of the MCFA. And as a city commissioner who has campaigned previously, Ann Perry knew better. By association, Kurt Metzger knew or should have known that the law was violated. These are troubling facts and show a wanton disregard for the law and a cavalier attitude.

2. As a Professor at Wayne State University, I can attest that it is standard operating procedure to proofread manuscripts and documents and their "galley proofs" before final publication and dissemination. Kurt Metzger is likewise a faculty member at WSU. As such, he would be intimately familiar with such procedures. So either he is saying that he failed to follow this common standard of professional conduct, or that he knew about the error but decided not to correct it. I don't know which one is the case, but both look bad.
3. In his reply to my complaint, Mr. Metzger seems to accept some blame while simultaneously trying to put the blame on others. As President Harry Truman implied with his "The Buck Stops Here" desk sign, it is the politician at the top who must have the courage and integrity to accept full blame, instead of passing the blame on to others. Fortunately, Mr. Metzger has a golden opportunity to paint himself in a better light by accepting full responsibility for the MCFA violation and accepting the fine graciously. He would also do well to ask his supporters to turn in the people responsible for the dirty tricks and illegal activity I mentioned in my previous letter and avoid the dearth of transparency in governing Pleasant Ridge.

The bottom line is that the Kurt Metzger Campaign violated a section of the MCFA, and Mr. Metzger failed to be compelling in trying to blame others. I find his claims of ignorance and innocence to be disingenuous and not supported by the facts. It also seems that one or more individuals associated with the Metzger Campaign have trouble dealing with the truth and complying with Michigan law. I personally find all of this rather unprofessional, disturbing, and Machiavellian.

I wish Mr. Metzger the best of luck in his new role as Mayor of Pleasant Ridge, and I hope there will be no further missteps or legal violations.

Sincerely,



Dr. Michael Church  
46 Oxford Blvd  
Pleasant Ridge, MI 48069

Encl: email from Frank Rubino

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**From:** Frank Rubino [rubinomgmt@aol.com]  
**Sent:** Thursday, January 23, 2014 5:54 AM  
**To:** Church, Michael  
**Subject:** {Spam?} Re: email problem

Dear Ms. Bourbonals

My name is Frank Rubino and I live at 25 Oxford Blvd, Pleasant Ridge MI and my home phone is 248-543-8416. As I have stated in my phone message to you I feel very strongly that this was not a command mistake of not having the necessary disclaimer on political pamphlets. When the pamphlets were being passed out I received phone calls asking me if disclaimers were to be on the pamphlets being passed out house to house. I stated yes and I was told there was a packet of three pamphlets being passed out and Mr. Metzger had no disclaimer on his pamphlet. I then called Ms Ann Perry, Mr. Metzger's campaign manager and told her that the pamphlets being passed out did not have the necessary disclaimer. Ms. Perry told me that she had checked it out and it was no big deal and if one of my friends wanted to report her, than go ahead. I told Ms Perry that was not the reason for my call. The reason for my call was just a friendly notice and I meant no harm. The following Sunday on November 5, 2013 while I was going door to door on Amherst, a street in Pleasant Ridge I ran into Ms Perry and another women, they were going door to door passing out the pamphlets without the disclaimer. The reason I know this is because while I was on one of the porches knocking on the door Ms Perry came on the porch and put the three pack of the pamphlets on the door. One of the reasons I didn't want to say anything was I also ran for Mayor and I didn't want to sound like sour grapes. But I feel very strongly that there was fair warning and Ms Perry who is a sitting commission was fully aware of the problem and did nothing to correct and acted like this rule did not apply and being a commission who has ran in past elections know the rules and was for warned. I feel that action should be taken, when I was late filing my report the election had no problem sending me a penalty and I paid it because I knew I was late and I feel that Mr Metzger's campaign knew about the problem and did nothing to correct it. Thank you for your time.

Frank Rubino  
25 Oxford Blvd  
Pleasant Ridge MI 48069  
248-543-8416



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

February 28, 2014

The Honorable Kurt Metzger  
28 Sylvan Avenue  
Pleasant Ridge, Michigan 48096

Dear Mayor Metzger:

The Department of State (Department) has completed its investigation of a complaint filed against you by Dr. Michael Church, which alleged that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign-related material. This letter concerns the disposition of Dr. Church's complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(5).

The Act also requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [.]" if it finds that "there may be reason to believe that a violation ... has occurred [.]" MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]" Id.

The complaint was filed by Dr. Church on December 12, 2013, and you filed a written response on December 27, 2013. Dr. Church filed a rebuttal statement on January 27, 2014.

Dr. Church alleged that one of your campaign cards did not contain a complete and correct paid-for-by statement. In support of his complaint, Dr. Church provided a card which states "Vote for Kurt Metzger on November 5<sup>th</sup>!" It appears there is no paid-for-by statement on the campaign card.

In response, you filed a letter in which you admitted that the card did not contain the proper attribution. You also stated that distributing the card without the proper language "was an honest error and oversight."

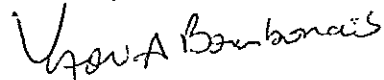
While the Department believes that the evidence tends to show that your campaign material failed to contain a complete paid-for-by statement, section 15(10) of the MCFA requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]"

The Department is advising you that section 47(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee. Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(5), 215(10).

The Department now considers this matter closed and will take no further action against you at this time.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lori A. Bourbonais", written over the typed name.

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Dr. Michael Church